



**Minutes for Meeting of  
Thursday, June 14, 2007**

**Item-1: Call to Order**

Chairwoman Leonard called the meeting to order at 5:00 p.m.

**Item-2: Roll Call**

Present – Chairwoman Dorothy Leonard, Vice-Chair Gil Cabrera, Commissioners Lee Biddle, Larry Westfall, Charles H. Dick, Jr.

Staff – Executive Director Stacey Fulhorst, General Counsel Cristie C. McGuire, Program Manager Steve Ross, Auditor Francisco Murillo and Executive Secretary Katherine Hunt

Excused – Commissioner Karen Thomas-Stefano

**Item-3: Approval of Commission Minutes**

**Approval of Ethics Commission Minutes of May 10, 2007**

Motion: Approved as Amended to Reflect Commissioner Biddle Arriving Seven minutes late

Moved/Seconded: Cabrera/Biddle

Vote: Carried Unanimously

Excused: Stefano

Abstained: Westfall

**Approval of Ethics Commission Minutes of May 18, 2007**

Motion: Approve

Moved/Seconded: Cabrera/Dick

Vote: Carried Unanimously

Excused: Stefano  
Abstained: Leonard

**Item-4: Non-Agenda Public Comment**

None

**Item-5: Commissioner Comment**

None

**Item-6: Executive Director Comment**

Director Fulhorst expressed her appreciation for the contributions made by Commissioners Charles H. Dick and Karen Thomas-Stefano to the Commission and noted that their terms will be expiring. She presented an award to Commissioner Dick for his service and noted that Karen Thomas-Stefano was unable to attend the meeting.

Chairwoman Leonard commented during the award presentation to Commissioner Dick, that she had enjoyed working with him.

Director Fulhorst reported on the following:

Appointment Process to Fill Commission Vacancies

She provided an update on the status of the appointment process to fill the two remaining commission vacancies. She noted that newly appointed Commissioner Clyde Fuller will be filling in the remaining two years left on a vacant term and that Larry Westfall has been nominated for reappointment.

Lobbying Amendments

She advised that the plan was to schedule the lobbying amendments for Council approval on July 16, which will enable a second reading before the August recess. She reported that the City Attorney has indicated that a report on this matter will be issued by July 2. She advised that staff would work with the current and former Commission Chairs to evaluate the changes proposed by the City Attorney's office.

Request from Councilmember Madaffer

She provided an update on Councilmember Madaffer's request for the Commission to consider expanding their jurisdiction to include classified employees who file statements of economic interests. She advised that she discussed the proposed matter with labor relations staff and a Municipal Employees Association union representative. She noted that the union supports the proposal and will have a representative present at the July Commission meeting to provide a presentation on

meet and confer issues. She added that Commission staff will provide a report at the July meeting.

**Item-7: General Counsel Comment**

None

**Item-8: Report from San Diego Data Processing Corporation Regarding the Ethics On-line Training Program**

Director Fulhorst reported on upgrades made to the Ethics On-Line Training Program by San Diego Data Processing Corporation staff members. She explained that the staff rebuilt the program to incorporate new features that will make the program easier to use.

Director Fulhorst introduced Debra Bond and the other members of the DPC team and then turned the floor over to Program Manager Steve Ross for a demonstration of the program.

Director Fulhorst presented the San Diego Data Processing Corporation team with an award of appreciation from the Commission.

**Item-9: Presentation of Final Audit Report Regarding the Audit of the Yes on Proposition C Committee**

Commission Auditor Francisco Murillo submitted the final audit report to the Commission.

Director Fulhorst explained that Proposition C would have made an increase to the Transient Occupancy Tax if the ballot measure had passed.

Motion: Accept Report  
Moved/Seconded: Dick/Westfall  
Vote: Carried Unanimously  
Excused: Stefano

**Item-10 Proposed Amendments to the California Political Reform Act**

Director Fulhorst reported on the following State assembly bills that will result in changes to the California Political Reform Act if approved.

Assembly Bill 1441

Director Fulhorst reported that Assembly Bill 1441 was approved on consent in the State Assembly on May 10, 2007, and is scheduled to be heard in the Senate Committee June 20. She explained that if this bill passes, it will allow local

candidates to create and maintain legal defense fund accounts separate from their campaign committees.

### Assembly Bill 1430

Director Fulhorst provided an update on Assembly Bill AB 1430. She reiterated that if the bill passes, it will amend the laws governing member communications and affect local jurisdictions' ability to impose limitations on contributions that fund such communications. She advised that although Council President Peters didn't encourage further efforts by city staff to oppose the bill, he did support the Commission acting independently to oppose the legislation. She reported that the Commission sent a letter opposing the bill to Assembly Member James Garrick. She added that the Los Angeles and San Francisco Ethics Commissions planned to oppose the bill. She reported that the bill has been passed in the Assembly and has been referred to a Senate committee with a hearing tentatively scheduled for July 10, 2007.

Director Fulhorst recommended that she and the Commission Chair attend the July 10 hearing in Sacramento.

#### **Item-11: Appointment of Ad Hoc Committee to Nominate Commission Officers at July 12, 2007, Commission Meeting**

Chairwoman Leonard advised that Commissioners Westfall and Biddle will serve on the Ad Hoc committee to nominate Commission officers.

#### **Item-12: Release of Investigative Files – Ad Hoc Committee**

Chairwoman Leonard advised that she and Commissioners Westfall and Biddle will serve on this Ad Hoc committee to address a request from another law enforcement agency for copies of the Commission's investigative files in one or more cases.

#### **Item-13: Adjournment to Closed Session**

Chairwoman Leonard adjourned the meeting to Closed Session at approximately 5:35 p.m. She stated the Commission would reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

#### **Reconvene to Open Session**

Chairwoman Leonard called the meeting back into open session at approximately 6:12 p.m.

#### **Reporting Results of Closed Session Meeting of June 14, 2007**

Chairperson Leonard reported the results of the Closed Session Meeting of June 14, 2007

**Item 1: Conference with Legal Counsel** (3 potential matters)

**Case No. 2007-39 – In Re: Alleged Failure to File Lobbying Reports**

Motion: Initiate Investigation  
Vote: Carried Unanimously  
Excused: Stefano

**Case No. 2007-40 – In Re: Alleged Failure to File Lobbying Reports**

Motion: Initiate Investigation  
Vote: Carried Unanimously  
Excused: Stefano

**Case No. 2007-42 – In Re: Alleged Failure to Disclose Economic Interests**

No Reportable Action

**Item 2: Conference with Legal Counsel** (7 potential matters)

One Item Withdrawn

**Case No. 2005-90 – In Re: Alleged Failure to Disclose Economic Interests**

Motion: To Reopen Case  
Vote: Carried Unanimously  
Excused: Stefano

**Case No. 2006-59 – In Re: Alleged Failure to Pay Vendor Debt**

No Reportable Action

**Case No. 2006-78 – In Re: Alleged Failure to Disclosure Economic Interests**

Motion: to set aside prior recusal of Commissioner Cabrera  
Vote: Carried Unanimously  
Excused: Stefano  
Abstained: Cabrera

Motion: Dismiss  
Vote: Carried Unanimously  
Excused: Stefano  
Recused: Dick

**Case No. 2007-02 – In Re: Alleged Failure to Disqualify from a Municipal Decision Affecting Economic Interests**

Motion: Dismiss  
Vote: Carried Unanimously  
Excused: Stefano  
Recused: Dick

**Case No. 2006-67 – In Re: Matthew Moncayo – Alleged Failure to File Campaign Statements**

Motion: Approve Stipulation  
Vote: Carried Unanimously  
Excused: Stefano

**Case No. 2007-07 – In Re: Julie Wright – Alleged Failure to File Lobbyists Quarterly Disclosure Report**

Motion: Approve Stipulation  
Vote: Carried Unanimously  
Excused: Stefano

**Adjournment**

The meeting adjourned at approximately 6:15 p.m.

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Dorothy Leonard, Chairwoman  
Ethics Commission

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Kathy Hunt, Executive Secretary  
Ethics Commission

***THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.***